

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM OFFICIAL CHAMBERS VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.27749 of 2021**

Arising Out of PS. Case No.-31 Year-2021 Thana- GORIAKOTHI District- Siwan

MUNNA CHAUHAN @ MUNNA MAHTO, Son of Tuntun Mahto @ Tuntun Chauhan, Resident of Village - Gaur Rawa, P.S.- G.B. Nagar, District - Siwan.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Udai Shankar Singh, Advocate
For the Opposite Party/s : Mr.Akhileshwar Dayal, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 08-10-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Goreakothi P.S. Case No. 31 of 2021 registered for the offence punishable under Section 30(a)/36 of Bihar Prohibition and Excise Act, 2016. He is in custody since 22.02.2021. Petitioner has got six criminal antecedents and all are of similar nature. Learned counsel for the petitioner says that the petitioner is on bail in all the cases except in one.

As per the prosecution story, 22.5 litres liquor were



recovered in a plastic bag from the motorcycle of this petitioner and at the time the Police intercepted the motorcycle it was this petitioner who was driving the vehicle.

Learned counsel for the petitioner submits that the petitioner was arrested on 21.02.2021 and has been remanded in judicial custody on 22.02.2021. He is not concerned with the alleged plastic bag in which the liquours were recovered and the petitioner is not concerned with the seized Pulsar motorcycle.

Mr. Akhileshwar Dayal, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner. It is submitted that the petitioner seems to have developed as a habitual offender and he is committing breach of the terms and conditions of bail by involving one after another in similar kind of offence while enjoying the privilege of bail. It is, thus, submitted that the petitioner does not deserve privilege of bail.

Having regard to the facts and circumstances of the case wherein this Court has found from the materials on the record that there is specific allegation in the F.I.R. that this petitioner was driving the vehicle when the Police intercepted him and at that time two more persons were riding the motorcycle who started fleeing away but were caught and from the motorcycle which had fallen down the bag was found



containing illicit liquour and further that this petitioner has got six criminal antecedents, this is the seventh case in a row, this Court is not inclined to release the petitioner on bail at this Stage.

He is in custody in connection with this case for about seven and half months, while refusing the bail at this stage, this Court directs the learned trial court to expedite the trial and all endeavours be made to conclude the same as early as possible preferably within a period of one year from the date of communication of this order.

If the trial still remains unconcluded within this period for no reason attributable to the petitioner, he may renew his prayer for bail.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

